Ontario

ONTARIO LABOUR RELATIONS BOARD

The Ontario Labour Relations Board (OLRB) is an independent, quasi-judicial tribunal which mediates and adjudicates a variety of employment and labour relations related matters under various Ontario statutes.

Chair – Bernard Fishbein

Annual Report
2010 - 2011

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Chair's Message – 2010-2011

This past year has marked the beginning of an exciting period of transition for the Ontario Labour Relations Board. After more than eight and a half years as Chair, Kevin Whitaker was appointed to the Bench in May of 2010. Following the diligent interim stewardship of Alternate Chair, Diane Gee, I assumed the Chair's position on February 28, 2011, after a long career in private practice (including regularly appearing before the Board).

As well, in January of 2011, Peter Gallus became the Acting Director/Registrar and Catherine Gilbert the Acting Deputy Director/Registrar. All of us hope to make the Board even more relevant and responsive to the communities it serves. As we all settle into and become increasingly familiar with the subtleties of our new positions, we expect to consult with and hear the views of the community, stakeholders and members of the labour and employment bar on how to make Canada's largest labour and employment tribunal even more aware and quick to react to the concerns of its users.

So early into my term as Chair (and arriving so close to the end of this fiscal period), it undoubtedly is premature for me to comment extensively on the Board's activities over the last year. However, it certainly can be noted that 2010 - 2011 was a busy year for the Board, as the statistical analysis contained in this report demonstrates.

Next year will certainly provide more challenges for the Board. Within the budgeting constraints across all of government, the Board will attempt to do more with less. Scheduling priorities will need to be re-examined, addressed and communicated (even if only to deal with the need for urgency for the expected increase of inspector referral reprisal complaints once the amendments to the *Occupational Health and Safety Act* in Bill 160 become law). Bottlenecks emerging in the processing of certification applications (particularly in the construction industry) will need to be investigated and structures or systems perhaps revised or resources redeployed. The soon-to-be-in-force requirements of the *Adjudicative Tribunals Accountability Governance and Appointments Act* will need to be complied with. Regular communication and interaction with the community, stakeholders and members of the labour and employment bar will need to be reinvigorated.

I am confident that these challenges can all be met through the expertise and dedication that the staff of the Board bring to their jobs day in and day out which, even in the brief duration of my term to this point, I have come to appreciate and admire. A team of knowledgeable and discerning adjudicators ensure that the Board maintains its reputation as Canada's largest and pre-eminent labour and employment tribunal. By way of further example, no annual report could be complete without noting how spectacularly effective the Board's mediation efforts still prove to be. Mediators are assigned to virtually every application filed with the Board and approximately 85% of all cases before the Board are settled or are withdrawn – only 15% need to be decided by way of

hearing or consultation. The complement of Labour Relations Officers at the Board is too often unheralded but frequently a valuable resource.

As we continue to work diligently to meet these challenges, I welcome everyone to contact the Board with their comments or concerns.

Bernard Fishbein

Chair: Ontario Labour Relations Board

NOTE: This Annual Report covers the period April 1, 2010 to March 31, 2011

I Organizational Overview

- Key Program Activities, Legislative Authority, Mandate
- OICs and Staff

The Ontario Labour Relations Board is an adjudicative agency of the Government of Ontario. As a tribunal operating at arm's length from the Ministry of Labour, the OLRB mediates and decides cases under more than twenty different workplace and employment-related laws. In addition to the primary responsibility that comes from its founding statute, the *Labour Relations Act, 1995,* a significant portion of the Board's work falls under the *Employment Standards Act, 2000* and the *Occupational Health and Safety Act*, as is described in more detail below.

Overall, the Board has varying degrees of jurisdiction assigned to it under the following statutes:

Ambulance Services Collective Bargaining Act, 2001, S.O. 2001, c.10

Colleges Collective Bargaining Act, R.S.O. 1990. c.15

Colleges Collective Bargaining Act, 2008, S.O. 2008, c.15

Crown Employees Collective Bargaining Act, 1993, S.O. 1993, c.38

Education Act, R.S.O. 1990, c.E.2

Employment Protection for Foreign Nationals Act (Live-In Caregivers and Others), 2009, S.O. 2009, c.32

Employment Standards Act, 2000, S.O. 2000, c.41

Environmental Bill of Rights Act, 1993, S.O. 1993, c.28

Environmental Protection Act, R.S.O. 1990, c.E.19

Including jurisdiction for:

- *Environmental Assessment Act,* R.S.O. 1990, c.E.18
- *Environmental Protection Act,* R.S.O. 1990, c.E.19
- *Fisheries Act*, R.S.C. 1970, c.F-14
- *Nutrient Management Act, 2002*
- *Ontario Water Resources Act,* R.S.O. 1990, c.O.40
- *Pesticides Act*, R.S.O. 1990. c.P.11
- *Safe Drinking Water Act, 2002,* S.O. 2002, c.32
- *Toxics Reduction Act, 2009,* S.O. 2002, c.19

Fire Protection and Prevention Act, 1997, S.O. 1997, c.4

Hospital Labour Disputes Arbitration Act, R.S.O. 1990, c.H.14

Labour Relations Act, 1995, S.O. 1995, c.1, Sch. A

Local Health System Integration Act, 2006, S.O. 2006, c.4

Long Term Care Homes Act, 2007, S.O. 2007, c.8

Occupational Health and Safety Act, R.S.O. 1990, c.O.7

Ontario Provincial Police Collective Bargaining Act, 2006, S.O. 2006, c.35, Sch. B

Public Inquiries Act, 2009

Public Sector Labour Relations Transition Act, 1997, S.O. 1997, c. 21

Public Service of Ontario Act, 2006, S.O. 2006, c.25, Sch. A

Smoke-Free Ontario Act, S.O. 1994, c.10

The Board, Generally

The Board is an independent adjudicative tribunal with a mandate to mediate and adjudicate a broad variety of workplace disputes. As noted above, the Board is an adjudicative agency of the Government of Ontario. Its staff are appointed under the *Public Service of Ontario Act, 2006.* Direction for its mission, mandate, service standards, governance and accountability is set out in the *Adjudicative Tribunal Accountability, Governance and Appointments Act, 2009.*

The Board is composed of a Chair, an Alternate Chair, Vice-Chairs, Board Members, a complement of labour mediators, a Solicitors' Office and a Registrar's office. These individuals, aided by the Board's support staff, draw upon specialized expertise in the labour and employment field to settle and adjudicate cases before them. The Board strives to keep its procedures informal, expeditious and fair. However, it is important to recognize that legal rights are at issue, the statutory frameworks are sometimes complex, and parties are encouraged to seek independent legal advice, if not legal representation, to assist them in Board proceedings.

The Board is entitled to determine its own practices and procedures, and has the authority to make rules and forms governing its practices and the conduct of those appearing before it. The Board's Rules, Forms and Information Bulletins are available on its website at www.olrb.gov.on.ca or from the Board's offices at 505 University Avenue, 2nd Floor, Toronto, Ontario, M5G 2P1.

The Board plays a fundamental role in the labour relations, employment standards, and health and safety regimes in Ontario. Board decisions are based on the evidence presented and submissions received, and on the adjudicator's interpretation of the facts in dispute, relevant legislation and jurisprudence. In keeping with the Ministry of Labour's overarching principles, the Board encourages harmonious relations between employers, employees and trade unions. It deals as expeditiously and fairly as reasonably possible in processing, settling or adjudicating all matters that come before it.

The Board's Principal Statutes

Labour Relations Act, 1995

The Ontario Labour Relations Board was established by section 2 of the *Labour Relations Act, 1948* and is continued by subsection 110(1) of the current *Labour Relations Act, 1995*.

The Board's work under the LRA is guided by the legislative policy set out in section 2 of the Act:

2. The following are the purposes of the Act:

    1. To facilitate collective bargaining between employers and trade unions that are the freely designated representatives of the employees.

    2. To recognize the importance of workplace parties adapting to change.

    3. To promote flexibility, productivity and employee involvement in the workplace.

    4. To encourage communication between employers and employees in the workplace.

    5. To recognize the importance of economic growth as the foundation for mutually beneficial relations amongst employers, employees and trade unions.

    6. To encourage cooperative participation of employers and trade unions in resolving workplace disputes.

    7. To promote the expeditious resolution of workplace disputes.

With this policy as a basis, the Act confers on the Board the authority over many significant aspects of labour relations, including the certification of unions to represent employees, termination of bargaining rights. the handling of unfair labour practices (including a union's duty of fair representation or fair referral of its members), successor bargaining rights, strikes, lock-outs, first contract direction, jurisdictional disputes and a range of issues arising in the construction industry, including the arbitration of grievances.

Employment Standards Act, 2000

The ESA confers authority on the Board to hear applications for review of decisions made by Employment Standards Officers. Claims filed under the ESA with the Ministry of Labour (for wages, overtime, termination

or severance pay, other violations of the Act) are investigated by Employment Standards Officers who direct payment of outstanding monies, issue orders for wages or compensation, or refuse to issue orders. Appeals of Employment Standards Officers' decisions, or refusals to make orders are handled by the Board.

Mediation is attempted in all ESA matters before the Board. Where mediation is unsuccessful, the Board conducts what is in essence a fresh hearing of the workplace dispute. Parties to the dispute are expected to attend the hearing with their evidence and witnesses, and be able to persuade the Board of the correctness of their case.

Occupational Health and Safety Act

The OHSA is designed to ensure that every workplace is safe and every worker protected against injury or harm. Enforcement of the OHSA is conducted by health and safety inspectors, who may enter workplaces to inspect or investigate working conditions, equipment and compliance with the Act. Orders or decisions of inspectors can be appealed to the OLRB.

Also, there are protections for workers who exercise their rights under the OHSA and are disciplined or discharged for doing so (reprisals). These applications can be brought directly to the Board.

Other Applications

The Board receives a smaller number of applications under the other legislation that we administer. Generally speaking these are treated in a manner analogous to how we deal with the applications already described.

The Board also had administrative responsibility for a number of other adjudicative tribunals whose reporting structures and activities may be described in other Annual Reports. The Board administers the Education Relations Commission and the Colleges Relations Commission; the Board's Alternate Chair is also Chair of the Pay Equity Hearings Tribunal (an agency of the Ministry of Labour) and the Public Sector Compensation Restraint Board (an agency of the Ministry of Finance). Support services for all of these bodies are under the administration of the Director/Registrar.

Board Processes

Essentially, every application that is filed with the Board is first assigned to a Mediator (called a Labour Relations Officer). The Mediator is given an opportunity to contact or meet with the parties to explore the possibility of settlement. Parties are encouraged to mediate matters. Practically speaking, mediation is a less formal and often less costly process than a hearing. The settlement of a workplace dispute, worked out by the parties with the assistance of a mediator, gives the parties an agreement they can both live with and more responsibility and ownership of the agreed-to conditions. Roughly 80 - 85% of all disputes coming before the Board are settled by the parties.

If an application cannot be mediated successfully, the matter is forwarded to the Registrar to schedule a consultation or hearing. A consultation is a less formal type of adjudication, and may take on different forms. Primarily, it is a quick and pointed hearing with the parties, with the Vice-Chair (adjudicator) taking greater control over how the proceeding is conducted. Often, there is no need for sworn testimony. The Vice-Chair may ask questions of the parties, or may direct that the questioning be limited in scope.

A hearing is a formal adjudication, with opening statements, the examination and cross-examination of witnesses, presentation of relevant documentary evidence, and submission of final arguments.

Consultations and hearings (but not mediations) are open to the public unless the Vice-Chair or panel decides that a public airing of the dispute could be damaging to one of the parties. Hearings are not recorded and no transcripts are produced. The Board issues written decisions that are sent to the parties, and become public documents available for searching on public databases.

Order in Council (OIC) Appointments

The Board's adjudicators (the Chair, Alternate Chair, Vice-Chairs and Board Members) are all appointed by the Lieutenant Governor in Council as Order in Council appointments (OICs), for a fixed term. Following is a chart as to who worked as an OIC in 2010 – 2011 and the term of their appointment.

Name	Position	First Appointed	Term Expires/ Incumbent Resigns
Whitaker, Kevin	Chair	September 20, 2001	May 18, 2010
Fishbein, Bernard	Chair	February 28, 2011	February 28, 2016
Gee, Diane L.	Alternate Chair	August 1, 2008	July 31, 2013
	Interim Chair	May 19, 2010	February 27, 2011
Anderson, Ian B.	Vice-Chair	March 24, 2004	March 23, 2012
Freedman, Harry	Vice-Chair	July 8, 1998	July 7, 2012
Kelly, Patrick M.	Vice-Chair	May 17, 1999	May 17, 2013
Lewis, John D	Vice-Chair	March 11, 2009	March 10, 2014
Lewis, Mark J.	Vice-Chair	September 27, 2006	September 26, 2014
McKee, David A.	Vice-Chair	April 29, 1999	April 29, 2013
McKellar, Mary Anne	Vice-Chair	January 24, 2001	January 23, 2012
McLean, Brian C.	Vice-Chair	July 8, 1998	July 7, 2012
	Alternate Chair	June 4, 2010	February 27, 2011
Rowan, Caroline	Vice-Chair	May 6, 1999	May 6, 2013
Schmidt, Christine	Vice-Chair	December 10, 2008	December 9, 2010
	Part-Time Vice-Chair	December 10, 2010	December 9, 2012
Serena, Susan J.	Vice-Chair	May 28, 2003	May 27, 2014
Shouldice, Lee	Vice-Chair	May 30, 2007	May 29, 2012
Silverman, Marilyn	Vice-Chair	April 29, 1999	January 31, 2011
	Part-Time Vice-Chair	February 1, 2011	January 31, 2013
Slaughter, Jack J.	Vice-Chair	February 3, 2003	February 2, 2014
Wacyk, Tanja	Vice-Chair	May 28, 2003	May 27, 2014
Waddingham, Kelly A.	Vice-Chair	April 7, 2004	December 31, 2012
Albertyn, Christopher J.	Part-Time Vice-Chair	September 1, 2004	August 30, 2012
Chauvin, Peter F.	Part-Time Vice-Chair	October 1, 2007	March 23, 2012
Cummings, Mary Ellen	Part-Time Vice-Chair	August 1, 2008	July 31, 2013
Humphrey, Charles E.	Part-Time Vice-Chair	September 8, 2009	September 7, 2012
Jesin, Norman	Part-Time Vice-Chair	August 25, 2004	August 24, 2012
Kanee, Lyle	Part-Time Vice-Chair	February 25, 2009	February 24, 2014
Murray, Corinne F.	Part-Time Vice-Chair	February 3, 2009	February 2, 2014
Sargeant, Timothy W.	Part-Time Vice-Chair	June 30, 2007	June 29, 2012
LeMay, R. D. Paul	Member (Employer)	December 15, 2005	December 14, 2013
O'Connor, Richard J.	Member (Employer)	November 6, 2002	November 5, 2013
Roberts, Barry K.	Member (Employer)	May 16, 2007	April 30, 2010
Rundle, Judith A.	Member (Employer)	July 17, 1986	July 16, 2012
Schel, John	Member (Employer)	June 15, 2010	June 14, 2012
Tomlinson, John A.	Member (Employer)	November 6, 2002	May 31, 2011
Baxter, Richard A.	Member (Employee)	April 3, 2006	April 2, 2014
Haward, Alan	Member (Employee)	March 25, 1998	March 24, 2012
McManus, Shannon R. B.	Member (Employee)	December 15, 2005	December 14, 2013
Patterson, David A.	Member (Employee)	April 2, 1986	April 1, 2012
Phillips, Carol	Member (Employee)	January 14, 2009	January 13, 2014

Board Staff and Key Activities

The OLRB's operations and staff can be broadly divided into: The Board's Adjudicators (OIC appointments), Administration, Field Services (mediation), and Legal Services. The administrative, field, and legal staff are public servants appointed under Part III of the Public Service of Ontario Act, 2006.

ADMINISTRATION:

Office of the Director and Registrar

The Director / Registrar is the chief administrative officer of the Board. He, along with the Deputy Director / Registrar, is responsible for the overall administration of the Board's businesses: operations, mediation and adjudication. The Director / Registrar, along with the Deputy Director / Registrar, oversee the effective processing and scheduling of each case, communicate with the parties in matters relating to the mediation of cases, scheduling of hearings or on particular problems in the processing of any given case. Every application received by the Board enters the system through the Director / Registrar's office.

Manager of Administration

The Manager of Administration is responsible for the efficient operation of the Board through the effective and efficient coordination of the procurement and budget functions, human resources functions, client services, Information and Information Technology, and the provision of administrative direction for all shared/common services.

Library Services

Comprised of the former Ontario Labour Relations Board Library, the Workplace Safety and Insurance Appeals Tribunal Library and the Pay Equity Commission Library, the Ontario Workplace Tribunals Library is situated in the Board offices at 505 University Avenue, Toronto on the 7th floor.

Library holdings related to the OLRB include all reported OLRB decisions from 1944 to date, all judicial reviews of OLRB decisions from 1947 to date, all bargaining unit certificates issued by the OLRB from 1962 forward. In addition, the Library has a collection of all Employment Standards review decisions from 1970 to date and all Occupational Health and Safety appeal decisions from 1980 to date. Textbooks, journals and case reports in the areas of labour, administrative and constitutional law are also held.

Field Services: (Mediation)

The Board is a pioneer in the area of alternative dispute resolution. The Manager of Field Services, Labour Relations Specialists, and Labour Relations Officers, are responsible for mediating settlements in all of the Board's cases. In addition to settling cases, Labour Relations Officers assist parties in identifying issues and streamlining the cases that do get adjudicated in order to avoid unnecessary litigation. They also, along with the Board's Conciliation Officers, carry out the Board's pre and post vote phone mediation program and conduct representation and final offer votes.

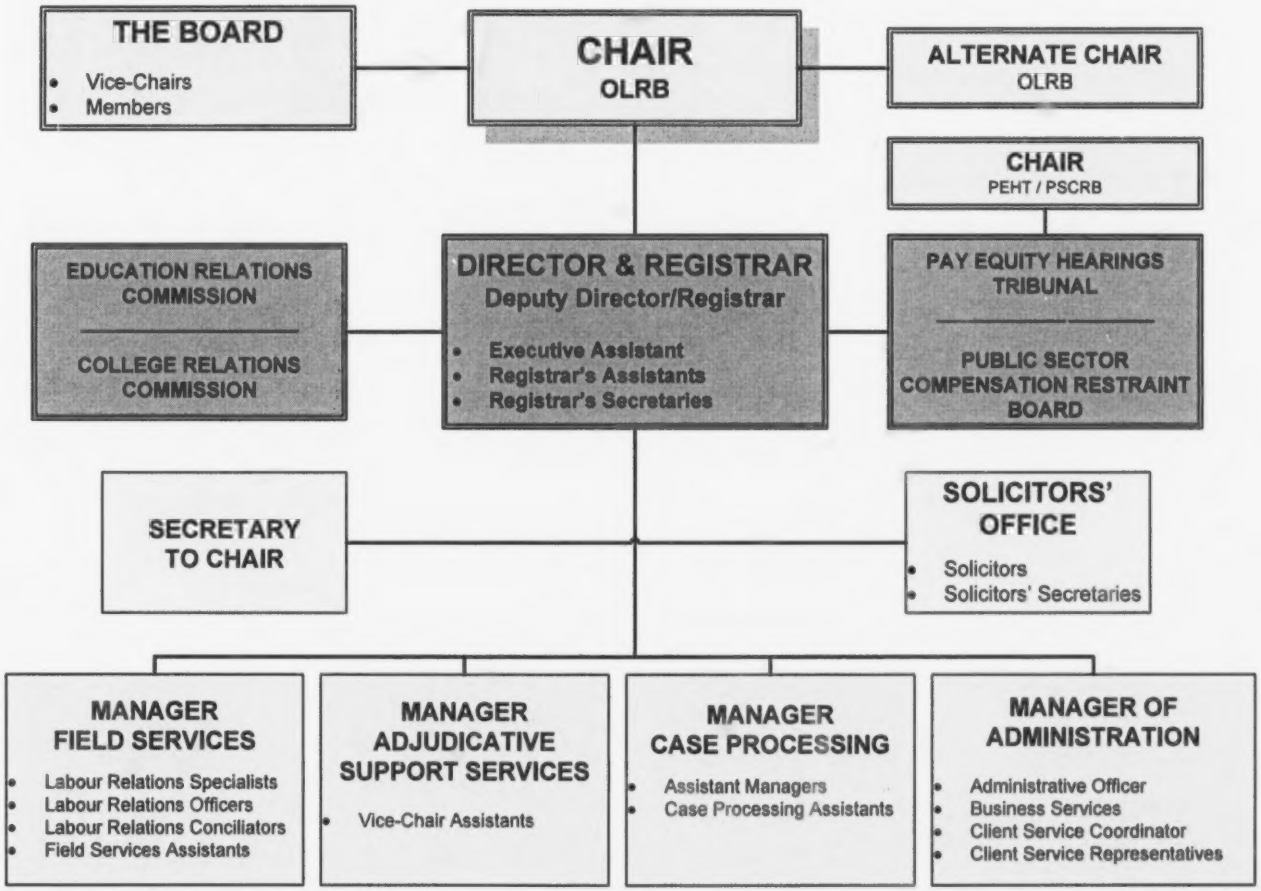
Information Technology Support

Services in IT are provided to the Board by in-house staff of the Labour and Transportation Cluster. Systems Officers are responsible for the technological aspects of the Board's case processing systems, website, electronic communication and individual computer support.

Legal Services

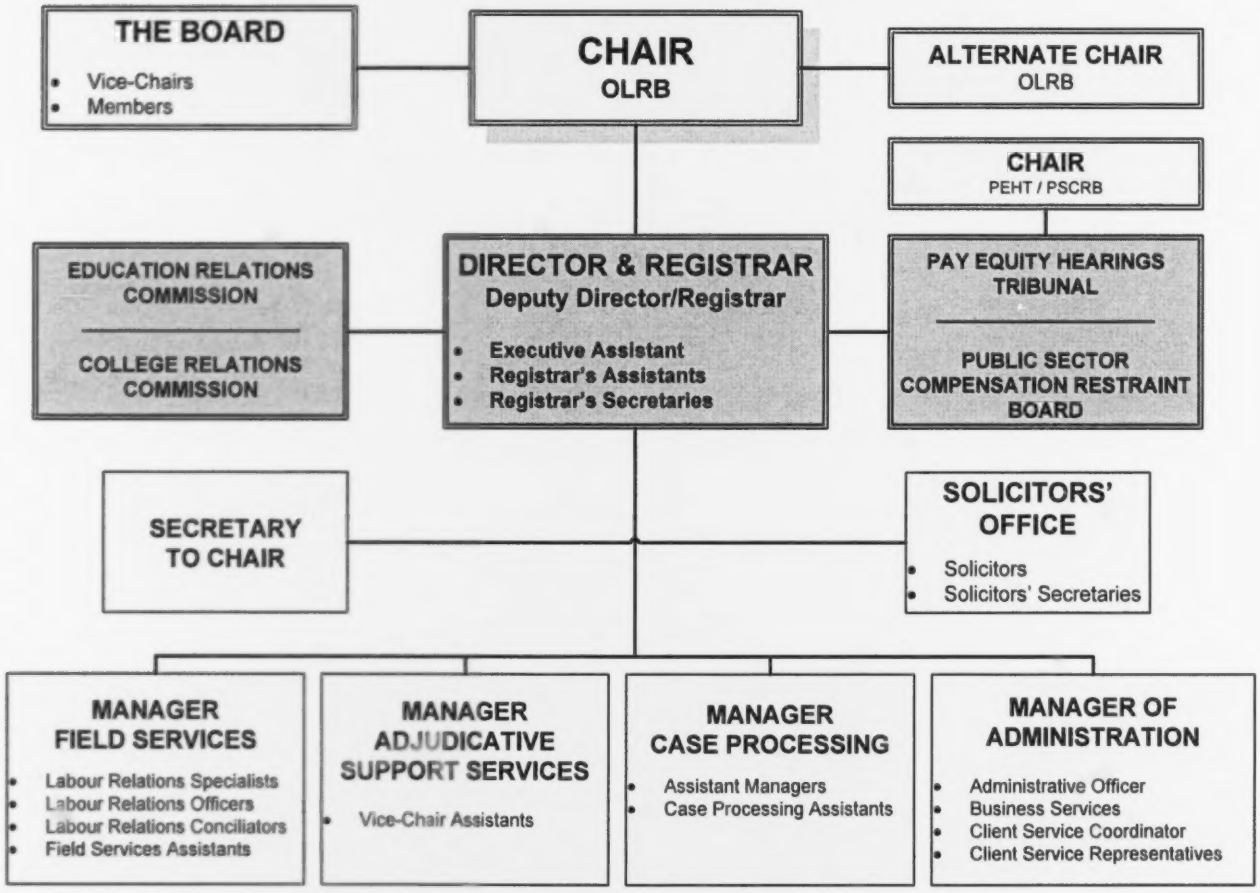
Legal Services to the Board are provided by the Solicitors' Office, which consists of two Board Solicitors. The Solicitors provide legal research, advice, opinions and memoranda to the Chair, Vice-Chairs, Board Members, Labour Relations Officers and administrative staff. They are extensively involved in changes to the Board's rules of procedure and forms and contribute to the continuing education of staff. The Solicitors are the Board's media spokespersons, and handle all inquiries, investigations and complaints under freedom of information or human rights legislation and from Ombudsman Ontario. The Board's Solicitors also represent the Board in court proceedings, including applications for judicial review.

ONTARIO LABOUR RELATIONS BOARD



March 31, 2011

ONTARIO LABOUR RELATIONS BOARD



March 31, 2011

II Operational Performance

- Caseload analysis
- Caseload and statistical tables

Case Numbers and Disposition - Tables 1, 2 and 6

Overall, the Board received 4,323 new applications this year. This number is higher than any of the past 5 years, and represents about 300 more files than last year. 1,862 additional cases remained open from previous years as the 2010/11 year began, for a total number of files before the Board this year of 6,185.

Of the 6,185 files before the Board, 3,902 were disposed of, that is, settled, decided, withdrawn etc. In the result, 2,283 cases were carried into 2011/12. There are a number of reasons for the increase in cases carried forward into the new year: the receipt of 300 more files, scheduling difficulties, etc. Having said that, the Board's goal is to increase the number of cases disposed of in a year, and to that end we are examining better ways to case manage, schedule, and deploy our resources.

Of the cases disposed of 67% were completed within approximately 90 days of application receipt and about 87% were completed within 6 months.

Main Case Types – tables 1, 2, 19 and 20

The majority of cases filed in 2010/11 fall under 5 main categories:

1) Under the LRA, Certification and termination of bargaining rights – 652 applications for certification and 151 applications for termination of bargaining rights
2) Also under the LRA, Contraventions of the Labour Relations Act – 693
3) Also under the LRA, Referrals of Construction Industry Grievances – 952
4) Under the ESA, Appeals of decisions of Employment Standards Officers – 1351
5) Under the OHSA, Health and Safety (complaints under s50 and Appeals of Inspector's orders) - 212

It is interesting to note that over the past 5 years the Board's caseload has changed somewhat.

The number of certification files is slightly higher than last year, but down over 150 applications from 2006/07.

Applications for termination of bargaining rights are up relative to the past 5 years, but this is partly explained by an expected increase this year due to the tri-annual "open period" in the construction industry.

The number of unfair labour practice complaints (693) is slightly up from last year, but down significantly from 5 years ago (850) and even more significantly from 10 years ago when 1096 were filed.

Construction grievances remain a relatively steady component of the Board's work; although down from last year, the number filed is a bit higher than the 5 year average and is well above the 10 year average.

Employment Standards appeals have increased dramatically: 1351 this year compared to 896 last year and 640 the year before. In good part this increase is explained by a significant increase in the number of orders made by Employment Standards Officers related to the "ESA Modernization Project" run by the Employment Practices Branch of the Ministry of Labour.

Applications made under s. 50 of the Occupational Health and Safety Act are up slightly and appeals of Occupational Health and Safety inspectors' orders are down significantly from last year.

Mediation Results – Table 3

Mediators are assigned to virtually every application filed by the Board and the majority of all files disposed of are settled by the parties with the assistance of a mediator. About 80 - 85% of all cases before the Board settle or are withdrawn; only 15% are decided by way of a Hearing or Consultation.

Certification and Termination of Bargaining rights cases – Tables 4, 5, 7, 8, 9, 10, 15 and 17

All non-construction certification applications before the Board are decided by way of a vote, as are all termination applications, whether in the construction sector or not. The vast majority of construction certification applications are decided by a "card-check" process and not by vote. As such, the statistics shown about certification votes apply almost exclusively to non-construction sectors and to termination applications.

The Board received a total of 652 applications for certification and 151 applications for termination of bargaining rights. Of the applications for certification, 268 pertained to the construction industry and of the applications for termination of bargaining rights, 65 related to the construction industry.

The Board held a total of 503 votes in 2010/11, with 23, 918 people voting. The vast majority of these votes relate to certification files; the remainder are representational votes in termination applications, under the successor employer/related employer provisions of the Act or are votes related to Hospital, School Board and Municipal re-organization. Unions won the majority of certification votes (70.8%), and lost the majority of termination applications (58.5%).

Of the non-construction certification applications, a minority relate to the manufacturing sector, and the majority related to the broader public sector and non-manufacturing businesses.

Of the 429 certification applications in which unions were successful, 207 bargaining units were composed of 2 - 9 employees, and at the other extreme 11 were bargaining units of 200 - 500 employees, and 2 were of units with over 500 employees.

Over 90% of all non-construction certification votes were held within 5 working days of application, about 98% within 7 days and over 99% within 10 days of application. Termination applications took slightly longer, largely because of bargaining unit and notice issues: 42% were held within 5 days of application, 76% within 7 days and 96% within 10 days of application.

Complaints of Contravention of Act

Complaints alleging contravention of the Act may be filed with the Board under section 96 of the Act.

In 2010-2011, the Board received 693 complaints under this section. In complaints against employers, the principal charges were alleged illegal discharge of or discrimination against employees for union activity in violation of section 70 and 72 of the Act, illegal changes in wages and working conditions contrary to section 86, and failure to bargain in good faith under section 17. These charges were made mostly in connection with applications for certification. The principal charge against trade unions was alleged failure to represent employees fairly in grievances against their employer.

In addition to the complaints received, 422 cases were carried over from 2009-2010. Of the 1,115 cases processed, 465 were settled, and 487 cases were pending on March 31, 2010. **(Table 1)**

Construction Industry Grievances

Grievances over alleged violation of the provisions of a collective agreement in the construction industry may be referred to the Board for resolution under section 133 of the Act.

In 2010-2011, the Board received 952 cases under this section. The principal issues in these grievances were alleged failure by employers to make required contributions to health and welfare, pension and vacation funds, failure to deduct union dues, and alleged violation of the subcontracting and hiring arrangements in the collective agreement.

In addition to the cases received, 208 were carried over from 2009-2010. Of the total 1,160 processed, 937 were disposed of; of these, awards were made by the Board in 191 cases, 6 cases were dismissed, and 223 cases were pending on March 31, 2011. **(Table 1)**

Appeals under The Employment Standard Act

The *Employment Standards Act* deals with workplace rights such as minimum wage, hours of work, overtime, vacation or public holiday pay, violations of pregnancy or reprisal provisions, termination issues, and severance pay.

The Board dealt with 1,725 appeals during 2010-2011. Of the cases that were disposed of, 57 were granted,

154 were dismissed, 645 cases were settled, 136 were terminated, and 733 cases were pending on March 31, 2011. **(Table 1)**

Occupational Health and Safety Act

In 2010-2011, the Board received 110 complaints under Section 50 of the *Occupational Health and Safety Act* alleging wrongful discipline or discharge for acting in compliance with the Act. Forty-three cases were carried over from 2009-2010.

Of the total 153 cases processed, 70 cases were settled by the parties in discussions with labour relations officers (**Table 3**). 8 cases were dismissed, 2 cases were granted, 1 case was terminated, and the remaining 72 were pending on March 31, 2011.

Appeals under The Occupational Health and Safety Act

The *Occupational Health and Safety Act* and its regulations ensure that workers' health and safety in the workplace is protected. Violations of the Act are investigated by health and safety inspectors; orders or decisions of inspectors are the subject of appeals to the Ontario Labour Relations Board.

164 appeals were dealt with by the Board in 2010-2011. Of the 92 cases that were disposed of, 7 appeals were granted, 16 were dismissed, 64 cases were settled, 5 cases were terminated, and 72 cases were pending on March 31, 2011. **(Table 1)**

MISCELLANEOUS APPLICATIONS AND COMPLAINTS

Final Offer Votes

In addition to taking votes ordered in its cases, the Board's Registrar was requested by the Minister to conduct votes among employees on employers' last offer for settlement of a collective agreement dispute under section 42(1) of the Act. Although the Board is not responsible for the administration of votes under that section, the Board's Registrar and field staff are assigned to conduct these votes because of their expertise and experience in conducting representation votes under the Act.

Of the 20 requests dealt with by the Board during the fiscal year, in 6 cases employees voted to accept the collective agreement, in 6 cases employees voted to reject the Collection Agreement, 5 were settled or withdrawn, and 3 cases were pending on March 31, 2011. **(Table 1)**

Declaration of Successor Trade Union

The Board dealt with 5 applications for declaration of successor trade union in 2010-2011. Four of these were pending April 1st, 2010, with 1 new application received in the current fiscal year. Two of these applications were disposed of in this fiscal, 1 being granted, and the other settled. There are 3 cases pending as of March 31st, 2011. **(Table 1)**

Declaration of Successor or Common Employer Status

In 2010-2011, the Board dealt with 262 applications for declarations under section 69 of the Act concerning the bargaining rights of trade unions of a successor employer resulting from a sale of business, or for declarations under section 1(4) to treat two companies as one employer. The two types of requests are often made in a single application.

Affirmative declarations were issued by the Board in 33 cases, 13 applications were dismissed, 89 cases were settled and 127 cases were pending on March 31, 2011. **(Table 1)**

Declaration/Direction of Unlawful Strike

In 2010-2011, the Board dealt with 10 applications seeking a declaration under section 100 regarding an alleged unlawful strike by employees. 3 cases were settled and 1 case was granted. 6 cases were pending on March 31, 2011. **(Table 1)**

Consent to Prosecute

In 2010-2011, the Board dealt with 5 applications under section 109 of the Act requesting consent to institute prosecution in court against unions and employers for alleged commission of offences under the Act. 2 cases were settled, and the 3 remaining cases were pending on March 31, 2011. **(Table 1)**

Religious Exemption from Union Security Provision in Collective Agreement

Eight applications were processed under section 52 of the Act, seeking exemption for employees from the union security provisions of collective agreements because of their religious beliefs. These 8 applications remained pending as of March 31/11.

Early Termination of Collective Agreements

8 applications were processed under section 58(3) of the Act, seeking early termination of collective agreements. These are joint applications by employers and trade unions. Consent was granted in all 8. **(Table 1)**

Jurisdictional Disputes

177 complaints were dealt with under section 99 of the Act involving union work jurisdiction. An assignment of work in dispute was made by the Board in 10 cases, 36 cases were settled, 5 cases were dismissed, 2 were terminated, and 122 cases were pending on March 31, 2011. **(Table 1)**

Referral on Employee Status

The Board dealt with 23 applications under section 114(2) of the Act, seeking decisions on the status of individuals as employees under the Act. 7 cases were settled by the parties in discussions with labour

relations officers. 1 case was granted, 1 case was dismissed, and the remaining 14 cases were pending on March 31, 2011. **(Table 1)**

Referrals by Minister of Labour

In 2010-2011, the Board dealt with 60 cases referred by the Minister under section 115 of the LRA for opinions or questions related to the Minister's authority to appoint a conciliation officer under section 18 of the Act, under sections 48 or 49 of the LRA for authority to appoint an arbitrator, or under s3(2) of the Hospital Labour Disputes Arbitration Act. 7 applications were settled, advice was given to the Minister in 4 cases, and 49 cases were pending on March 31, 2011. **(Table 1)**

First Agreement Arbitration

In 2010-2011, the Board processed 30 applications for directions to settle first agreements by arbitration. 8 cases were settled, 9 cases were granted, 1 case was dismissed and 12 cases were pending on March 31, 2011. **(Table 1)**

Applications under The Public Sector Labour Relations Transitions Act

The *Public Sector Labour Relations Transition Act, 1997* established a separate regime of successor rights governing matters that arise out of restructuring and amalgamations in the broader public sector. The Act gives the Board the power to determine new bargaining unit configurations, to appoint new bargaining agents, and to address other collective bargaining issues that may arise from municipal amalgamations, school board changes and hospital restructuring.

In 2010-2011, the Board processed 19 applications under *the Public Sector Labour Relations Transition Act, 1997.* Of the 7 cases that were disposed of, 2 cases were granted, 1 was dismissed, 4 cases were settled and 12 cases were pending on March 31, 2011. **(Table 1)**

Table 1

Total Applications and Complaints Received, Disposed of and Pending
Fiscal Year 2010-11

Type of Case	Caseload			Disposed of Fiscal Year 2010-11					
	Total	Pending April 1, 2010	Received Fiscal Year 2010-11	Total	Granted*	Dismissed	Terminated	Settled Withdrawn/ Sine Die	Pending March 31, 2011
Total	**6,185**	**1,862**	**4,323**	**3,902**	**829**	**540**	**162**	**2,371**	**2,283**
CERTIFICATION OF BARGAINING AGENTS	965	313	652	727	429	134	2	162	238
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	200	49	151	139	42	49	6	42	61
DECLARATION OF SUCCESSOR TRADE UNION	5	4	1	2	1	0	0	1	3
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	262	148	114	135	33	13	0	89	127
ACCREDITATION	3	2	1	3	2	1	0	0	0
DECLARATION AND DIRECTION OF UNLAWFUL STRIKE	10	4	6	4	1	0	0	3	6
CONSENT TO PROSECUTE	5	5	0	2	0	0	0	2	3
CONTRAVENTION OF ACT	1,115	422	693	628	21	137	5	465	487
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	8	8	0	0	0	0	0	0	8
EARLY TERMINATION OF COLLECTIVE AGREEMENT	8	0	8	8	8	0	0	0	0
TRADE UNION FINANCIAL STATEMENT	5	1	4	4	0	2	0	2	1
JURISDICTIONAL DISPUTE	177	99	78	55	10	5	2	38	122
REFERRAL ON EMPLOYEE STATUS	23	13	10	9	1	1	0	7	14
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR OR UNDER HLDAA	60	44	16	11	2	2	0	7	49
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1,160	208	952	937	191	6	2	738	223
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	153	43	110	81	2	8	1	70	72
COMPLAINT UNDER THE ENVIRONMENTAL PROTECTION ACT	7	6	1	6	0	0	0	6	1
FIRST AGREEMENT ARBITRATION DIRECTION	30	18	12	18	9	1	0	8	12
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	5	4	1	0	0	0	0	0	5
FINAL OFFER VOTE	20	7	13	17	6	6	0	5	3
EMPLOYMENT STANDARDS ACT (APPEAL)	1,725	374	1,351	992	57	154	136	645	733
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEAL)	164	62	102	92	7	16	5	64	72
PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT, 1997	19	8	11	7	2	1	0	4	12
PROJECT AGREEMENT APPLICATION	5	1	4	1	0	0	0	1	4
AMBULANCE SERVICES COLLECTIVE BARGAINING ACT, 2001	4	1	3	2	0	0	0	2	2
OTHER CASE TYPES	47	18	29	22	5	4	3	10	25

* Includes cases that were granted in full, or in large part.

Table 2

Applications and Complaints Received and Disposed of
Fiscal Years 2006-07 to 2010-11

Type of Case	Number Received, Fiscal Year						Number Disposed of, Fiscal Year					
	Total	2006-07	2007-08	2008-09	2009-10	2010-11	Total	2006-07	2007-08	2008-09	2009-10	2010-11
Total	20,224	4,194	3,924	3,782	4,001	4,323	18,980	3,949	4,172	4,097	3,675	3,087
CERTIFICATION OF BARGAINING AGENTS	3,605	799	789	742	623	652	3,517	713	826	748	559	671
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	632	110	116	115	140	151	599	85	142	125	112	126
DECLARATION OF SUCCESSOR TRADE UNION	14	6	1	1	5	1	23	13	2	4	2	2
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	721	161	127	154	165	114	704	144	147	179	142	92
ACCREDITATION	13	2	4	2	4	1	16	3	3	1	5	3
DECLARATION AND DIRECTION OF UNLAWFUL STRIKE	57	9	13	12	17	6	49	8	10	14	15	2
DECLARATION AND DIRECTION OF UNLAWFUL LOCKOUT	4	0	2	2	0	0	4	0	0	4	0	0
CONSENT TO PROSECUTE	13	3	5	2	3	0	11	3	3	2	1	2
CONTRAVENTION OF ACT	3,624	850	718	705	658	693	3,539	823	784	792	624	515
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	18	1	3	5	9	0	19	1	3	4	2	0
EARLY TERMINATION OF COLLECTIVE AGREEMENT	115	9	10	78	10	8	115	9	8	79	11	8
TRADE UNION FINANCIAL STATEMENT	12	3	0	3	2	4	9	3	0	1	3	2
JURISDICTIONAL DISPUTE	331	54	52	93	54	78	237	50	50	47	54	36
REFERRAL ON EMPLOYEE STATUS	53	16	14	8	5	10	50	14	11	9	11	5
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR	97	15	6	9	51	16	48	12	12	4	12	8
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	4,699	855	908	936	1,048	952	4,160	834	917	972	989	448
REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY	2	2	0	0	0	0	2	2	0	0	0	0
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	510	113	115	90	82	110	483	101	114	110	83	75
COMPLAINT UNDER THE ENVIRONMENTAL PROTECTION ACT	11	3	2	0	5	1	11	3	1	1	0	6
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	4	0	1	1	2	0	4	0	1	1	2	0
FIRST AGREEMENT ARBITRATION DIRECTION	65	9	17	9	18	12	53	7	11	6	12	17
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	8	2	1	3	1	1	11	5	1	3	2	0
FINAL OFFER VOTE	64	14	9	15	13	13	60	10	13	15	7	15
EMPLOYMENT STANDARDS ACT (APPEALS)	4,745	991	867	640	896	1,351	4,521	952	968	808	826	967
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEAL)	594	124	101	117	150	102	577	127	103	123	157	67
PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT	66	18	13	12	12	11	53	4	26	12	7	4
PROJECT AGREEMENT APPLICATION	15	5	3	1	2	4	10	4	3	1	2	0
AMBULANCE SERVICES COLLECTIVE BARGAINING ACT, 2001	18	5	4	3	3	3	18	6	4	4	2	2
OTHER CASE TYPES	114	15	23	24	23	29	97	13	9	28	33	14

Table 3

Labour Relations Officer Activity in Cases Processed *

Fiscal Year 2010-11

Type of Case	Total Cases Assigned	Cases in Which Activity Completed Pending April 1, 2010					
		Total	Number	Percent	Referred to Board	Sine Die	Pending**
Total	6,185	3,902	3,308	84.8%	594	2,371	2,283
CERTIFICATION OF BARGAINING AGENTS	965	727	610	83.9%	117	162	238
SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	262	135	91	67.4%	44	89	127
REFERRAL ON EMPLOYEE STATUS	23	9	5	55.6%	4	7	14
CONTRAVENTION OF ACT	1,115	628	517	82.3%	111	465	487
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1,160	937	851	90.8%	86	738	223
COMPLAINT UNDER THE OCCUPATIONAL HEALTH AND SAFETY ACT	153	81	69	85.2%	12	70	72
EMPLOYMENT STANDARD ACTS (APPEAL)	1,725	992	828	83.5%	164	645	733
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEALS)	164	92	88	95.7%	4	64	72
ALL OTHER CASE TYPES	618	301	249	82.7%	52	131	317

*Includes all cases assigned to labour relations officers, which may or may not have been disposed of by the end of the year.

**Includes all cases in which the officer activity may or may not be complete but which was not disposed of by the end of the year.

Table 4

Results of Representation Votes Conducted *

Fiscal Year 2010-11

Type of Case	Number of Votes	Eligible Employees	Ballots Cast	
			Total	In Favour of Unions
Total	503	29,723	23,918	11,793
Certification	394	26,642	21,609	10,897
Construction cases				
One union	21	174	159	46
Two unions	14	462	365	42
Regular cases				
One union	311	23,130	18,861	8,765
Two unions	44	2,656	2,056	1,978
Three unions	4	220	168	66
Termination of Bargaining Rights				
One union	109	3,081	2,309	896

* Refers to all representation votes conducted and the results counted during the fiscal year, regardless of whether or not the case was disposed of during the year.

Table 5

Results of Representation Votes in cases Disposed of *

Fiscal Year 2010-11

	Number of Votes			Eligible Votes			All Ballots Cast			Ballots Cast in Favour of Unions		
					In Votes			In Votes			In Votes	
Type of Case	Total	Appl. Won	Appl. Lost	Total	Won	Lost	Total	Won	Lost	Total	Won	Lost
Total	448	309	139	28,769	16,419	12,350	23,126	12,756	10,370	11,921	8,266	3,655
Certification	383	271	112	26,169	15,575	10,594	21,181	12,077	9,104	11,051	8,113	2,938
Construction cases												
One union	24	4	20	244	25	219	241	23	218	51	19	32
Two unions	7	2	5	79	32	47	75	30	45	42	28	14
Regular cases												
One union	296	232	64	21,702	13628	8074	17,795	10595	7200	9,112	6725	2387
Two unions	52	31	21	3,924	1780	2144	2,902	1345	1557	1,780	1308	472
Three Unions	4	2	2	220	110	110	168	84	84	66	33	33
Termination												
One union	65	38	27	2,600	844	1,756	1,945	679	1,266	870	153	717

* Refers to final representation votes conducted in cases disposed of during the fiscal year. This table should not be confused with Table 4 which refers to all representation votes conducted during the year regardless of whether or not the case was disposed of during the year.

Table 6

Time Required to Process Applications and Complaints Disposed of, by Major Type of Case
Fiscal Year 2010-11

	All Cases		Certification Cases		Contravention of the Act Cases		Construction Industry Grievances Cases		All Other Cases	
Time Taken (No. of Days)	Dispo-sitions	Cumulative Percent	Dispo-sitions	Cumulative Percent	Dispo-sitions	Cumulative Percent	Dispo-sitions	Cumulative Percent	Dispo-sitions	Cumulative Percent
Total	**3,090**	**100.0**	**671**	**100.0**	**515**	**100.0**	**448**	**100.0**	**1,456**	**100.0**
Under 8 days	341	11.0	110	16.4	27	5.2	145	32.4	59	4.1
8-14 days	387	23.6	154	39.3	29	10.9	130	61.4	74	9.1
15-21 days	288	32.9	110	55.7	29	16.5	56	73.9	93	15.5
22-28 days	173	38.5	38	61.4	21	20.6	31	80.8	83	21.2
29-35 days	168	43.9	31	66.0	23	25.0	19	85.0	95	27.7
36-42 days	184	49.9	14	68.1	78	40.2	10	87.3	82	33.4
43-49 days	129	54.0	17	70.6	23	44.7	6	88.6	83	39.1
50-56 days	112	57.7	13	72.6	13	47.2	0	88.6	86	45.0
57-63 days	114	61.4	8	73.8	15	50.1	3	89.3	88	51.0
64-70 days	86	64.1	16	76.2	9	51.8	2	89.7	59	55.1
71-77 days	91	67.1	11	77.8	17	55.1	1	90.0	62	59.3
78-84 days	85	69.8	4	78.4	10	57.1	5	91.1	66	63.9
85-91 days	71	72.1	8	79.6	14	59.8	2	91.5	47	67.1
92-98 days	55	73.9	8	80.8	12	62.1	3	92.2	32	69.3
99-105 days	53	75.6	9	82.1	14	64.9	1	92.4	29	71.3
106-126 days	112	79.3	11	83.8	20	68.7	6	93.8	75	76.4
127-147 days	133	83.6	22	87.0	28	74.2	4	94.6	79	81.9
148-168 days	92	86.5	8	88.2	26	79.2	3	95.3	55	85.6
Over 168 days	416	100.0	79	100.0	107	100.0	21	100.0	209	100.0

* Excludes cases in which proceedings were adjourned sine die

Table 7

Union Distribution of Certification Applications Received and Disposed of
Fiscal Year 2010-11

Union	Number of Applications Received	Number of Applications Disposed of			
		Total	Certified	Dismissed*	Settled**
All Unions	652	671	429	144	98
ASBESTOS WORKERS	1	1	1	0	0
AUTO WORKERS	3	3	2	1	0
BAKERY AND TOBACCO WORKERS	0	1	1	0	0
BOILERMAKERS	2	2	1	0	1
BRICKLAYERS INTERNATIONAL	3	24	1	21	2
CANADIAN AUTO WORKERS	34	38	22	13	3
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	49	47	31	4	12
CARPENTERS	69	69	45	10	14
CHRISTIAN LABOUR ASSOCIATION	19	16	9	6	1
CLOTHING AND TEXTILE WORKERS	0	2	1	1	0
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF	4	6	4	2	0
ELECTRICAL WORKERS (IBEW)	21	19	15	1	3
FOOD AND COMMERCIAL WORKERS	33	34	21	9	4
FOOD AND SERVICE WORKERS	4	7	5	1	1
GRAPHIC COMMUNICATION UNION	1	1	1	0	0
HOTEL EMPLOYEES	5	4	3	1	0
INTERNATIONAL OPERATING ENGINEERS	9	7	3	1	3
LABOURERS	138	124	80	19	25
MACHINISTS	10	10	3	5	2
NEWSPAPER GUILD	2	2	2	0	0
OFFICE AND PROFESSIONAL EMPLOYEES	3	3	3	0	0
ONTARIO NURSES ASSOCIATION	15	15	15	0	0
ONTARIO PUBLIC SCHOOL TEACHERS	15	11	10	1	0
ONTARIO PUBLIC SERVICE EMPLOYEES	17	16	11	2	3
ONTARIO SECONDARY SCHOOL TEACHERS	4	4	4	0	0
PAINTERS	24	25	20	2	3
PLUMBERS	24	19	15	3	1
RETAIL WHOLESALE EMPLOYEES	4	5	4	0	1
SERVICE EMPLOYEES INTERNATIONAL	32	33	27	4	2
SHEET METAL WORKERS	11	10	5	3	2
STRUCTURAL IRON WORKERS	3	2	1	0	1
TEACHERS FEDERATION	2	1	1	0	0
TEAMSTERS	20	22	10	7	5
THEATRICAL STAGE EMPLOYEES	2	3	2	0	1
TRANSIT UNION (INTL.)	4	5	2	3	0
UNITED STEELWORKERS	16	19	11	5	3
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	49	61	37	19	5

*Includes cases which were closed for administrative purposes
**Excludes cases in which proceedings were adjourned sine die

Table 8

Industry Distribution of Certification Applications Received and Disposed of Fiscal Year 2010-11

Industry	Number of Applications Received	Number of Applications Disposed of			
		Total	Certified	Dismissed*	Settled**
All Industries	651	671	429	144	98
Manufacturing	**29**	**30**	**16**	**10**	**4**
CLOTHING	3	3	3	0	0
FOOD, BEVERAGES	13	14	4	7	3
MACHINERY	1	1	1	0	0
NON-METALLIC MINERALS	1	0	0	0	0
PRINTING, PUBLISHING	2	2	2	0	0
RUBBER, PLASTICS	3	3	3	0	0
TEXTILES	0	1	1	0	0
TRANSPORTATION EQUIPMENT	2	2	1	1	0
OTHER MANUFACTURING	4	4	1	2	1
Non-Manufacturing	**622**	**641**	**413**	**134**	**94**
ACCOMMODATION, FOOD SERVICES	5	8	5	3	0
CONSTRUCTION	267	266	169	53	44
EDUCATION, RELATED SERVICES	16	9	7	1	1
HEALTH, WELFARE SERVICES	29	30	21	7	2
HOSPITAL	4	5	4	1	0
LOCAL GOVERNMENT	3	4	2	0	2
MUNICIPAL	1	1	0	0	1
PERSONAL SERVICES	2	3	2	0	1
RECREATIONAL SERVICES	1	3	3	0	0
SCHOOL BOARD	8	6	6	0	0
STORAGE	1	1	1	0	0
TRANSPORTATION	3	2	1	1	0
WHOLESALE TRADE	0	2	1	1	0
OTHER SERVICES	242	254	161	58	35
OTHER NON-MANUFACTURING	40	47	30	9	8

*Includes cases which were closed for administrative purposes

**Excludes cases in which proceedings were adjourned sine die

Table 9

Size of Bargaining Units in Certification Applications Granted
Fiscal Year 2010-11

	Total		Construction **		Non-Construction	
Employee Size *	Number of Applications	Number of Employees	Number of Applications	Number of Employees	Number of Applications	Number of Employees
Total	**428**	**15,280**	**169**	**1,041**	**260**	**14,239**
2-9 employees	207	963	147	599	60	364
10-19 employees	75	1,020	14	185	61	835
20-39 employees	65	1,770	6	171	59	1,599
40-99 employees	45	2,728	2	86	44	2,642
100-199 employees	23	3,132	0	0	23	3,132
200-499 employees	11	2,967	0	0	11	2,967
500 employees or more	2	2,700	0	0	2	2,700

* Refers to the total number of employees in one or more bargaining units certified in an application. A total of 430 bargaining units were certified in the 428 applications in which certification was granted. This is possible becase in the construction industry more than 1 bargaining unit may be granted.

** Refers to cases processed under the construction industry provisions of the Act. This figure should not be confused with the figure in Table 10, which includes all applications involving construction employers whether processed under the construction industry provisions of the Act or not.

Table 10

Time Required to Process Certification Applications Granted *
Fiscal Year 2010-11

	Total Certified		Non-Construction		Construction	
Working Days (including adjournments requested by the parties)	Number	Cumulative Percent	Number	Cumulative Percent	Number	Cumulative Percent
Total	**429**	**100.0**	**260**	**100.0**	**169**	**100.0**
Under 8 days	68	15.9	0	0.0	68	40.2
8-14 days	122	44.3	102	39.2	20	52.1
15-21 days	87	64.6	83	71.2	4	54.4
22-28 days	25	70.4	23	80.0	2	55.6
29-35 days	23	75.8	17	86.5	6	59.2
36-42 days	9	77.9	6	88.8	3	60.9
43-49 days	13	80.9	7	91.5	6	64.5
50-56 days	7	82.5	6	93.8	1	65.1
57-63 days	5	83.7	0	93.8	5	68.0
64-70 days	8	85.5	4	95.4	4	70.4
71-77 days	5	86.7	2	96.2	3	72.2
78-84 days	4	87.6	0	96.2	4	74.6
85-91 days	3	88.3	0	96.2	3	76.3
92-98 days	3	89.0	2	96.9	1	76.9
99-105 days	3	89.7	0	96.9	3	78.7
106-126 days	5	90.9	0	96.9	5	81.7
127-147 days	3	91.6	1	97.3	2	82.8
148-168 days	4	92.5	0	97.3	4	85.2
Over 168 days	32	100.0	7	100.0	25	100.0

* Refers only to applications in which certification was granted. This table should not be confused with Table 6 which refers to all certification applications disposed of during the year regardless of the method of disposition.

Table 11

Employment Status of Employee in Bargaining Units Certified by Industry
Fiscal Year 2010-11

Industry	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Industries	430	15,338	9	54	2	93	3	68	416	15,123
Manufacturing	16	642	1	3	0	0	0	0	15	639
CLOTHING	3	92	0	0	0	0	0	0	3	92
FOOD, BEVERAGES	4	138	0	0	0	0	0	0	4	138
MACHINERY	1	3	1	3	0	0	0	0	0	0
PRINTING, PUBLISHING	2	17	0	0	0	0	0	0	2	17
RUBBER, PLASTICS	3	326	0	0	0	0	0	0	3	326
TEXTILES	1	23	0	0	0	0	0	0	1	23
TRANSPORTATION EQUIPMENT	1	16	0	0	0	0	0	0	1	16
OTHER MANUFACTURING	1	27	0	0	0	0	0	0	1	27
Non-Manufacturing	414	14,696	8	51	2	93	3	68	401	14,484
ACCOMODATION, FOOD SERVICES	5	154	0	0	0	0	0	0	5	154
CONSTRUCTION	170	1,270	6	35	0	0	0	0	164	1,235
EDUCATION, RELATED SERVICES	7	1,656	0	0	1	13	0	0	6	1,643
HEALTH, WELFARE SERVICES	21	640	0	0	1	80	0	0	20	560
HOSPITAL	4	205	0	0	0	0	0	0	4	205
LOCAL GOVERNMENT	2	61	0	0	0	0	1	27	1	34
PERSONAL SERVICES	2	35	0	0	0	0	0	0	2	35
RECREATIONAL SERVICES	3	112	0	0	0	0	0	0	3	112
SCHOOL BOARD	6	125	0	0	0	0	1	29	5	96
STORAGE	1	87	0	0	0	0	0	0	1	87
TRANSPORTATION	1	200	0	0	0	0	0	0	1	200
WHOLESALE TRADE	1	18	0	0	0	0	0	0	1	18
OTHER SERVICES	161	8,982	2	16	0	0	1	12	158	8954
OTHER NON-MANUFACTURING	30	1,151	0	0	0	0	0	0	30	1151

Table 12

Employment Status of Employees in Bargaining Units Certified by Union
Fiscal Year 2010-11

	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	428	15,265	9	54	2	93	3	68	414	15,050
ASBESTOS WORKERS	1	8	0	0	0	0	0	0	1	8
AUTO WORKERS	2	48	0	0	0	0	0	0	2	48
BAKERY AND TOBACCO WORKERS	1	93	0	0	0	0	0	0	1	93
BOILERMAKERS	1	6	0	0	0	0	0	0	1	6
BRICKLAYERS INTERNATIONAL	1	2	0	0	0	0	0	0	1	2
CANADIAN AUTO WORKERS	22	1,374	0	0	0	0	0	0	22	1374
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	31	3,247	0	0	2	93	1	27	28	3,127
CARPENTERS	46	187	1	5	0	0	0	0	45	182
CHRISTIAN LABOUR ASSOCIATION	9	110	0	0	0	0	0	0	9	110
CLOTHING AND TEXTILE WORKERS	1	60	0	0	0	0	0	0	1	60
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION	4	73	0	0	0	0	0	0	4	73
ELECTRICAL WORKERS (IBEW)	15	47	0	0	0	0	0	0	15	47
FOOD AND COMMERCIAL WORKERS	21	838	0	0	0	0	0	0	21	838
FOOD AND SERVICE WORKERS	5	196	0	0	0	0	1	12	4	184
GRAPHIC COMMUNICATION UNION	1	8	0	0	0	0	0	0	1	8
HOTEL EMPLOYEES	3	100	0	0	0	0	0	0	3	100
INTERNATIONAL OPERATING ENGINEERS	3	10	1	2	0	0	0	0	2	8
LABOURERS	80	1,059	3	18	0	0	0	0	77	1041
MACHINISTS	3	86	0	0	0	0	0	0	3	86
NEWSPAPER GUILD	2	153	0	0	0	0	0	0	2	153
OFFICE AND PROFESSIONAL EMPLOYEES	3	51	0	0	0	0	1	29	2	22
ONTARIO NURSES ASSOCIATION	15	208	0	0	0	0	0	0	15	208
ONTARIO PUBLIC SCHOOL TEACHERS	10	295	0	0	0	0	0	0	10	295
ONTARIO PUBLIC SERVICE EMPLOYEES	11	488	0	0	0	0	0	0	11	488
ONTARIO SECONDARY SCHOOL TEACHERS	4	23	0	0	0	0	0	0	4	23
PAINTERS	20	143	0	0	0	0	0	0	20	143
PLUMBERS	15	93	1	10	0	0	0	0	14	83
RETAIL WHOLESALE EMPLOYEES	4	138	0	0	0	0	0	0	4	138
SERVICE EMPLOYEES INTERNATIONAL	27	1,800	1	4	0	0	0	0	26	1796
SHEET METAL WORKERS	5	101	0	0	0	0	0	0	5	101
STRUCTURAL IRON WORKERS	1	2	0	0	0	0	0	0	1	2
TEACHERS FEDERATION	1	44	0	0	0	0	0	0	1	44
TEAMSTERS	10	716	1	3	0	0	0	0	9	713
THEATRICAL STAGE EMPLOYEES	2	10	0	0	0	0	0	0	2	10
TRANSIT UNION (INTL.)	2	207	0	0	0	0	0	0	2	207
UNITED STEELWORKERS	11	706	0	0	0	0	0	0	11	706
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	35	2,535	1	12	0	0	0	0	34	2,523

Table 13

Occupational Groups in Bargaining Units Certified by Industry
Fiscal Year 2010-11

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Industries	430	15,338	170	2,342	0	0	5	269	0	0	255	12,727
Manufacturing	16	642	8	463	0	0	0	0	0	0	8	179
CLOTHING	3	92	2	75	0	0	0	0	0	0	1	17
FOOD, BEVERAGES	4	138	1	30	0	0	0	0	0	0	3	108
PRINTING, PUBLISHING	2	17	1	9	0	0	0	0	0	0	1	8
MACHINERY	1	3	0	0	0	0	0	0	0	0	1	3
RUBBER, PLASTICS	3	326	3	326	0	0	0	0	0	0	0	0
TEXTILES	1	23	1	23	0	0	0	0	0	0	0	0
TRANSPORTATION EQUIPMENT	1	16	0	0	0	0	0	0	0	0	1	16
OTHER MANUFACTURING	1	27	0	0	0	0	0	0	0	0	1	27
Non-Manufacturing	414	14,696	162	1,879	0	0	5	269	0	0	247	12,548
ACCOMODATION, FOOD SERVICES	5	154	0	0	0	0	0	0	0	0	5	154
CONSTRUCTION	170	1,270	125	784	0	0	0	0	0	0	45	486
EDUCATION, RELATED SERVICES	7	1,656	1	156	0	0	2	112	0	0	4	1,388
HEALTH, WELFARE SERVICES	21	640	17	577	0	0	1	11	0	0	3	52
HOSPITAL	4	205	3	75	0	0	1	130	0	0	0	0
LOCAL GOVERNMENT	2	61	0	0	0	0	0	0	0	0	2	61
PERSONAL SERVICES	2	35	2	35	0	0	0	0	0	0	0	0
RECREATIONAL SERVICES	3	112	2	14	0	0	0	0	0	0	1	98
SCHOOL BOARD	6	125	5	96	0	0	0	0	0	0	1	29
STORAGE	1	87	0	0	0	0	0	0	0	0	1	87
TRANSPORTATION	1	200	0	0	0	0	0	0	0	0	1	200
WHOLESALE TRADE	1	18	1	18	0	0	0	0	0	0	0	0
OTHER SERVICES	161	8,982	6	124	0	0	1	16	0	0	154	8,842
OTHER NON-MANUFACTURING	30	1,151	0	0	0	0	0	0	0	0	30	1,151

Table 14

Occupational Groups in Bargaining Units Certified by Union
Fiscal Year 2010-11

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	424	16,116	170	2,342	0	0	5	269	0	0	253	12,654
ASBESTOS WORKERS	1	8	1	8	0	0	0	0	0	0	0	0
AUTO WORKERS	2	48	0	0	0	0	0	0	0	0	2	48
BAKERY AND TOBACCO WORKERS	1	93	0	0	0	0	0	0	0	0	1	93
BOILERMAKERS	1	6	1	6	0	0	0	0	0	0	0	0
BRICKLAYERS INTERNATIONAL	1	2	0	0	0	0	0	0	0	0	1	2
CANADIAN AUTO WORKERS	22	1,374	5	126	0	0	0	0	0	0	17	1,248
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	31	3,247	8	378	0	0	0	0	0	0	23	2,869
CARPENTERS	46	187	35	153	0	0	0	0	0	0	11	34
CLOTHING AND TEXTILE WORKERS	1	60	0	0	0	0	0	0	0	0	1	60
CHRISTIAN LABOUR ASSOCIATION	9	110	4	63	0	0	0	0	0	0	5	47
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	4	73	0	0	0	0	0	0	0	0	4	73
ELECTRICAL WORKERS (IBEW)	15	47	9	31	0	0	0	0	0	0	6	16
FOOD AND COMMERCIAL WORKERS	21	838	0	0	0	0	0	0	0	0	21	838
FOOD AND SERVICE WORKERS	5	196	0	0	0	0	0	0	0	0	5	196
GRAPHIC COMMUNICATION UNION	1	8	0	0	0	0	0	0	0	0	1	8
HOTEL EMPLOYEES	3	100	0	0	0	0	0	0	0	0	3	100
INTERNATIONAL OPERATING ENGINEERS	3	10	2	8	0	0	0	0	0	0	1	2
LABOURERS	80	1,059	52	594	0	0	0	0	0	0	28	465
MACHINISTS	3	86	1	24	0	0	0	0	0	0	2	62
NEWSPAPER GUILD	2	153	1	9	0	0	0	0	0	0	1	144
OFFICE AND PROFESSIONAL EMPLOYEES	3	51	0	0	0	0	0	0	0	0	3	51
ONTARIO NURSES ASSOCIATION	15	208	3	31	0	0	2	27	0	0	10	150
ONTARIO PUBLIC SCHOOL TEACHERS	10	295	3	79	0	0	2	112	0	0	5	104
ONTARIO PUBLIC SERVICE EMPLOYEES	11	488	1	27	0	0	0	0	0	0	10	461
ONTARIO SECONDARY SCHOOL TEACHERS	4	23	1	6	0	0	0	0	0	0	3	17
PAINTERS	20	143	13	78	0	0	0	0	0	0	7	65
PLUMBERS	15	93	9	50	0	0	0	0	0	0	6	43
RETAIL WHOLESALE EMPLOYEES	4	138	0	0	0	0	0	0	0	0	4	138
SERVICE EMPLOYEES INTERNATIONAL	27	1,800	8	228	0	0	1	130	0	0	18	1,442
SHEET METAL WORKERS	5	101	3	21	0	0	0	0	0	0	2	80
STRUCTURAL IRON WORKERS	1	2	1	2	0	0	0	0	0	0	0	0
TEACHERS FEDERATION	1	44	0	0	0	0	0	0	0	0	1	44
TEAMSTERS	10	716	0	0	0	0	0	0	0	0	10	716
THEATRICAL STAGE EMPLOYEES	2	10	0	0	0	0	0	0	0	0	2	10
TRANSIT UNION (INTL.)	2	207	0	0	0	0	0	0	0	0	2	207
UNITED STEELWORKERS	11	706	0	0	0	0	0	0	0	0	11	706
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	35	2,535	9	420	0	0	0	0	0	0	26	2,115

Table 15

CERTIFICATION CASES TO VOTE, WITH APPLICATION DATES BETWEEN APRIL 1, 2010 AND MARCH 31, 2011

Number of Cases
Number of Days between application date and date vote held

Fiscal 10/11	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20	Total
Industrial	0	312	7	17	5	0	0	1	0	2	344
Construction	0	1	6	4	1	0	0	3	2	1	18
Total	**0**	**313**	**13**	**21**	**6**	**0**	**0**	**4**	**2**	**3**	**362**

Percentage of Cases
Number of Days between application date and date vote held

	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20
Industrial	0.00%	90.70%	2.03%	4.94%	1.45%	0.00%	0.00%	0.29%	0.00%	0.58%
Construction	0.00%	5.56%	33.33%	22.22%	5.56%	0.00%	0.00%	16.67%	11.11%	5.56%
Total	**0.00%**	**86.46%**	**3.59%**	**5.80%**	**1.66%**	**0.00%**	**0.00%**	**1.10%**	**0.55%**	**0.83%**

Summary
Percentages of votes held within

	5 days or less	7 days or less	10 days or less
Industrial	90.70%	97.67%	99.13%
Construction	5.56%	61.11%	66.67%
Total	**86.46%**	**95.86%**	**97.51%**

Table 16

NEW CERTIFICATION APPLICATIONS RECEIVED

By Quarter, April 1, 2001 to March 31, 2011

Fiscal Year	1st	2nd	3rd	4th	Total
01/02	215	155	128	127	625
02/03	168	163	166	161	658
03/04	158	151	141	281	731
04/05	237	185	160	157	739
05/06	134	192	153	152	631
06/07	182	160	182	275	799
06/07	285	175	164	166	790
07/08	182	160	182	275	799
08/09	285	175	164	166	790
09/10	130	153	145	195	623
10/11	208	183	147	114	652
Total	2184	1852	1732	2069	7837

Table 17

TERMINATION CASES TO VOTE, WITH APPLICATION DATES BETWEEN APRIL 1, 2010 AND MARCH 31, 2011

Number of Cases
Number of Days between application date and date vote held

	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20	Total
Fiscal 10/11	0	40	17	16	4	7	7	1	1	2	95

Percentage of Cases
Number of Days between application date and date vote held

Under 5	5	6	7	8	9	10	11-15	16-20	Over 20
0.00%	42.11%	17.89%	16.84%	4.21%	7.37%	7.37%	1.05%	1.05%	2.11%

Summary
Percentages of votes held within

5 days or less	7 days or less	10 days or less
42.11%	76.84%	95.79%

Table 18

NEW TERMINATION APPLICATIONS RECEIVED

By Quarter, April 1, 2001 to March 31, 2011

Fiscal Year	1st	2nd	3rd	4th	Total
01/02	72	31	38	39	180
02/03	30	16	34	28	108
03/04	18	17	32	44	111
04/05	51	20	35	26	132
05/06	20	22	29	24	95
06/07	16	19	18	57	110
07/08	55	12	26	23	116
08/09	27	29	35	24	115
09/10	23	25	37	55	140
10/11	84	16	30	21	151
Total	396	207	314	341	1258

Table 19

NEW UNFAIR LABOUR PRACTICE APPLICATIONS RECEIVED

By Quarter, April 1, 2001 to March 31, 2011

Fiscal Year	1st	2nd	3rd	4th	Total
01/02	256	237	287	316	1096
02/03	235	183	251	243	912
03/04	221	183	229	245	878
04/05	237	205	246	225	913
05/06	209	241	269	235	954
06/07	239	173	223	215	850
07/08	208	169	181	163	721
08/09	239	173	223	215	850
09/10	208	169	181	163	721
10/11	189	140	167	193	689
Total	2241	1873	2257	2213	8584

Table 20

NEW CONSTRUCTION INDUSTRY GRIEVANCE APPLICATIONS RECEIVED

By Quarter, April 1, 2001 to March 31, 2011

Fiscal Year	1st	2nd	3rd	4th	Total
01/02	144	151	215	196	706
02/03	159	250	239	172	820
03/04	249	186	215	194	844
04/05	185	222	232	284	923
05/06	219	226	249	194	888
06/07	231	196	214	214	855
07/08	226	206	253	223	908
08/09	250	219	263	204	936
09/10	261	285	239	263	1048
10/11	288	231	222	212	953
Total	2212	2172	2341	2156	8881

Court Activity 2010-2011

On April 1, 2010, there were seventeen Board matters pending before the Courts, all of them at Divisional Court.

During the 2010-2011 fiscal year, there were twenty new applications for judicial review of Board decisions filed with the Divisional Court.

One individual, the applicant in a judicial review (*Mark Corner*, an employee of Rainbow Concrete) brought a motion for a stay of the operation of the Board's decision (directing first contract arbitration), pending the hearing of his application on the merits. The stay motion was dismissed; the hearing on the merits is pending (joined with two applications filed by the employer).

The Divisional Court disposed of a total eleven applications for judicial review. Seven were dismissed; three were abandoned; one was granted (*Independent Electricity System Operator*).

One motion for leave to appeal was filed with the Ontario Court of Appeal (*Independent Electricity System Operator*).

There was no activity involving the Board at the Supreme Court of Canada.

On March 31, 2011, there were twenty-six outstanding court applications at Divisional Court and one leave application at the Court of Appeal.

COURT ACTIVITY 2010-2011

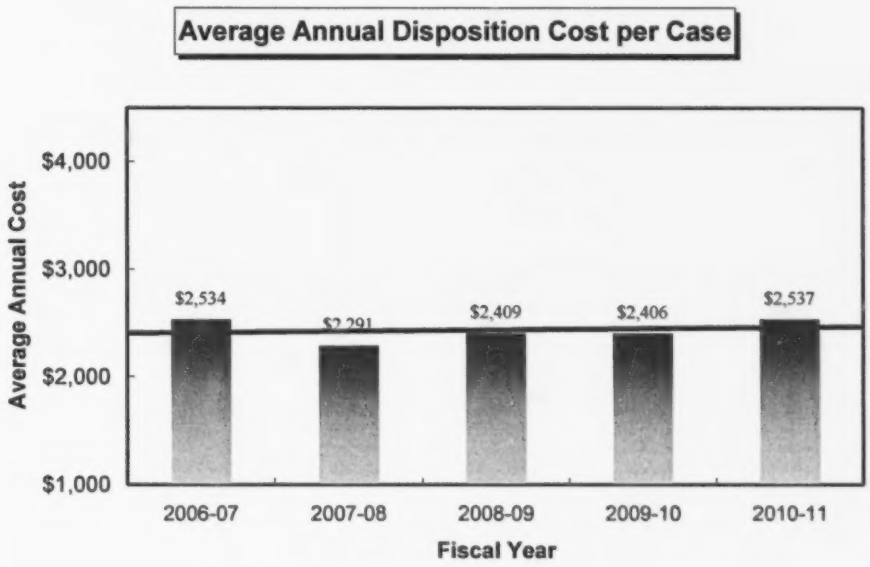
	Outstanding April 1, 2010	Received	Disposed Of Total	Granted	Dismissed	Abandoned	Pending March 31, 2011
Divisional Court (Merits)	17	20	11	1	7	3	26
Ontario Court of Appeal (Seeking Leave)	0	1	0	0	0	0	1
Ontario Court of Appeal (Merits)	0	0	0	0	0	0	0
Supreme Court of Canada (Seeking Leave)	0	0	0	0	0	0	0
Supreme Court of Canada (Merits)	0	0	0	0	0	0	0

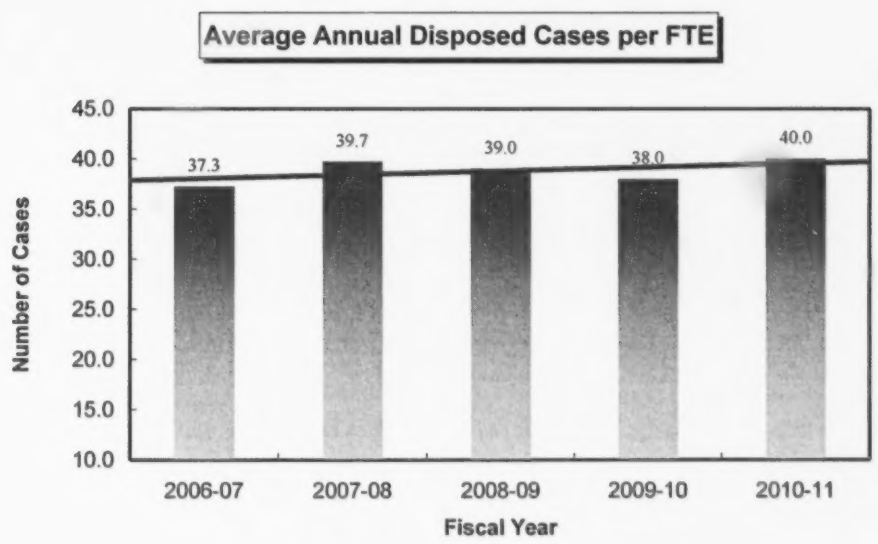
In addition

One application for a stay was filed, heard by a single judge of the Divisional Court, and dismissed (the judicial review of the merits is still pending).

OLRB Case Management Efficiencies 2006-2011

Each year the Board undertakes an analysis of its case management efficiencies and reports back on its annual disposition costs. The analysis reviews the number of cases disposed of per FTE (full time equivalent) and the average annual cost per case calculations and compares the results against the previous fiscal years.





III Performance Measures

Each year the OLRB provides a broad accountability of progress achieved on our core performance measures. We take each of our goals and track progress on a series of performance measures designed to assess whether the Board is measuring up to corporate standards and program targets/commitments.

Measure	Standard / Target	2010-2011 Commitments	2010-2011 Achievements
Fiscal Measures: **% variance between year end allocation expenditure**	Less than 2% variance between year end allocation and expenditure	Less than 2% variance between year end allocation and expenditure	**Actual:** **- 2.7 % variance** Approved budget = 12,638.9 Actual expenditure = 12,296.1
Program Effectiveness Measures: Meeting legislated time lines	90% Industrial cert. votes held within 5-7 days. 95% held within 7-10 days 5% or less held within more than 10 days	90% cert. votes held within 5-7 days. 95% held within 7-10 days 5% or less held within more than 10 days	**Actual:** **97.67** % of votes held within 5-7 days or less **99 %** of votes held within 7-10 days or less **1 %** of votes held in more than 10 days
% of LRA cases settled by mediation % of ES and HS appeal cases settled by mediation	85% of LRA cases settled through mediation ES cases = 75% HS cases = 75%	85% of LRA cases settled through mediation ES cases = 75% HS cases = 75%	**Actual:** **84.8%** *Based on completed case activity in certification/ unfair labour practices/grievances. and other cases. **Actual:** **83.5%** - ESA appeals **95.7%** - OHSA appeals
% of judicial reviews upheld	90-100% of judicial reviews upheld Board decision	90-100% of judicial reviews upheld Board decision	**Actual:** **90.9%** based on 11 disposed of cases 10 dismissed or withdrawn 1 granted

IV Financial Performance

The Board's annual operating budget is part of the Ministry's estimates and allocation process and the Board is required to report regularly on its expenditures and planned commitments.

The Deputy Minister of Labour has delegated authority for specific financial and administrative transactions to the Chair of the Board, the Director and Managers.

The OLRB is subject to audit review and expenditure constraints and its managers are accountable for following established management practices and using public resources for authorized purposes.

Fiscal Year – 2010/2011
All figures in $000.0 thousand

Account	Final Budget	Actual Expenditure	Variance	Comments
Salaries & Wages	**8,199.3**	**8,094.0**	**105.3**	Vacancy savings
Benefits	**1,019.6**	**1,007.0**	**12.6**	
Transp. & Comm.	527.9	462.8	65.1	Reduced travel costs
Services	1,255.0	1,316.0	(61.0)	
Supplies & Equip	105.2	90.3	14.9	
Lease	1,531.9	1,326.1	205.8	Lease costs deferrals
Total ODOE	**3,420.0**	**3,195.2**	**224.8**	
Total	**12,638.9**	**12,296.1**	**342.8**	2.7% variance

Non-Tax Revenue	2010-2011 Revenue
Construction Grievance fees	470.6
Subscriptions	28.0
Total	**498.6**

Accountability Statement

The OLRB's Annual Report for the fiscal year ending March 31, 2011 was prepared under my direction for submission to the Minister of Labour in accordance with the ***Agency Establishment and Accountability Directive – 2010***, as issued by Management Board of Cabinet.

The Public Accounts of Ontario are the annual financial statements that are prepared in compliance with the requirements of Section 13 of the *Ministry of Treasury and Economics Act*. The Public Accounts consist of the financial report of the Government of Ontario and the financial reports of each ministry. In accordance with the Ministry of Labour's Delegation of Financial Authority Framework, financial authority is delegated to the agency. Each year the OLRB verifies that all its transactions are reflected accurately and completely in the Public Accounts through the execution of a Certificate of Assurance.

The Results Based Plan of the Ministry of the Labour, which is to be released in the fall of each year, contains the Ministry's mission and accountability statements, the consolidated financial/allocation statements of the Ministry and an annual comparison of actual performance results to desired results set out in the Ministry business plan.

As an agency of the Ministry of Labour, the OLRB's Annual Report is subject to the minimum reporting requirements established in the ***Agency Establishment and Accountability Directive***, including:

- Financial statements that have been audited or subject to the appropriate level of external assurance;
- Analysis of operational performance;
- Analysis of financial performance;
- Names of appointees and term of appointments
- Performance measures, targets achieved/not achieved and action to be taken.

This report covers the fiscal year April 1, 2010 to March 31, 2011.

For More Information

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